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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 DEBRA L. LAINE,

No. C 13-4109 SI

9 Plaintiff,

**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS THE SECOND  
AMENDED COMPLAINT**

10 v.

11 WELLS FARGO BANK, N.A.,

12 Defendant.

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14 On May 9, 2014, the Court held a hearing on defendant's motion to dismiss the second amended  
15 complaint. The Court finds that plaintiff, who is acting *pro se*, has cured the deficiencies identified in  
16 the Court's previous orders and that the second amended complaint states a claim. Further, many of  
17 defendant's arguments raise factual questions that cannot be resolved on the pleadings.

18 The Court also concludes that plaintiff's claims are not barred by judicial estoppel because she  
19 disclosed this lawsuit in the bankruptcy proceedings in the initial petition, and she has since amended  
20 the bankruptcy filings to provide additional information about this lawsuit. The cases cited by defendant  
21 are distinguishable because those cases involved litigants who had taken directly contrary positions by  
22 failing to disclose non-bankruptcy litigation to the bankruptcy court prior to the bankruptcy becoming  
23 final. This order resolves Docket No. 56.

24 **IT IS SO ORDERED.**

25 Dated: May 12, 2014



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SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE